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5 Attorney for Tom O'Meara

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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

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11 UNITED STATES OF AMERICA,) No. CR-10-00562 LHK
12 Plaintiff,)
13 v.) **STIPULATION AND**
14 THOMAS O'MEARA,) **[PROPOSED] ORDER**
15) **RESCHEDULING SENTENCING**
16 Defendant.)
17 _____)

18 This matter is currently set for sentencing on November 14, 2012.

19 Defense counsel is requesting a short continuance as she will be out of her
20 office for most of October for personal reasons not related to a vacation.
21 Accordingly, defense counsel will not have reasonable time for effective
22 preparation and thus will be unable to effectively represent Mr. O'Meara for
23 purposes of sentencing. The defense requests that the November 14, 2012
24 hearing date be reset to December 5, 2012. The government does not object to
25 the proposed continuance of the sentencing to December 5, 2012 with the

1 understanding that this will be the only defense request for a continuance. The
2 Federal Probation Officer has no objection to the request. Based on the
3 stipulation, the Court finds and holds as follows:

4 1. The currently scheduled November 14, 2012 sentencing date is
5 hereby vacated.

6 2. This matter is re-set for sentencing on December 5, 2012 at 9:00
7 a.m.

8 STIPULATED:

9 DATED: 9/11/12

/s/

10 Jeane DeKelver
11 Attorney for Tom O'Meara

12 DATED: 9/11/2012

/s/

13 Joseph Fazioli
14 Assistant United States Attorney

15 IT IS SO ORDERED.
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17 DATED: 9/12/12

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19 Lucy H. Koh
20 United States District Judge

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